

**SIXTY-EIGHTH DAY**  
(Thursday, May 10, 1979)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

A quorum was announced present.

Chaplain Gerald Mann, University Baptist Church, Austin, offered the invocation as follows:

Lord, if we're put on trial for our honesty, let there be enough evidence to convict us. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**REPORTS OF STANDING COMMITTEES**

Senator Brooks submitted the following report for the Committee on Human Resources:

**H.B. 1876**  
**S.B. 1269**  
**H.B. 2096** (Amended)  
**H.B. 673**  
**S.B. 869**  
**H.B. 1733**  
**S.B. 1046**  
**S.B. 506**  
**H.B. 1628** (Amended)  
**C.S.S.B. 898** (Read first time)

Senator Creighton submitted the following report for the Committee on Economic Development:

**H.B. 398**  
**H.B. 2109**  
**S.B. 1207**  
**C.S.S.B. 1116** (Read first time)  
**C.S.S.B. 990** (Read first time)  
**C.S.S.B. 926** (Read first time)  
**S.B. 734**

Senator Jones of Taylor submitted the following report for the Committee on Finance:

**H.B. 2225**  
**H.B. 504**  
**H.B. 1431**  
**C.S.S.B. 563** (Read first time)

Senator Farabee submitted the following report for the Committee on Jurisprudence:

**H.B. 449**  
**H.B. 794**  
**H.B. 567**  
**H.B. 1333**  
**C.S.H.B. 1160** (Read first time)  
**S.B. 1299**  
**S.B. 1194**  
**H.B. 1565**  
**C.S.S.B. 360** (Read first time)

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 1297**  
**H.B. 1808**  
**H.B. 1167**  
**S.B. 1306**  
**H.B. 2108**  
**H.B. 2172**  
**H.B. 1230**  
**C.S.S.B. 1262** (Read first time)  
**H.B. 1245**  
**H.B. 1811**  
**S.B. 1289**  
**H.B. 1413** (Amended)  
**H.B. 1056**  
**S.B. 1264**  
**S.B. 1237**  
**H.B. 750**  
**H.B. 801**  
**H.B. 1293**  
**S.B. 1291**  
**S.B. 1070**  
**S.B. 1011**  
**C.S.S.B. 1294** (Read first time)  
**C.S.S.B. 1293** (Read first time)  
**S.B. 1303**  
**S.B. 1050**  
**H.B. 1824** (Amended)

Senator Moore submitted the following report for the Committee on State Affairs:

**H.B. 1803**  
**H.B. 1907**  
**S.B. 1247**  
**H.B. 442**  
**S.B. 1253**

### **SENATE BILLS AND RESOLUTIONS ON FIRST READING**

On motion of Senator McKnight and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 1316** by McKnight Natural Resources  
Relating to squirrel hunting in Upshur County.

**S.B. 1318** by Doggett Intergovernmental Relations  
Relating to the management and financing of combined municipal water, sewer, and electric utility systems in certain cities.

**S.C.R. 87** by Brooks Human Resources  
Requesting Departments of Human Resources and Health to conduct joint study of nursing staff manpower pools to determine impact on available manpower and cost of health care delivery.

**S.R. 553** by Schwartz Natural Resources  
Charging the Coastal and Marine Council with the preparation of a compilation of materials relating to coastal concerns.

### **HOUSE RESOLUTION ON FIRST READING**

The following resolution received from the House was read the first time and referred to the Committee indicated:

**H.C.R. 92**, To Committee on State Affairs.

### **MESSAGE FROM THE HOUSE**

House Chamber  
May 10, 1979

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

HB 409, A bill to be entitled An Act relating to the rate of interest on loans secured by certain residential property.

HB 1460, A bill to be entitled An Act relating to the application of the Texas Sunset Act to the Advisory Council for Technical-Vocational Education.

HB 1658, A bill to be entitled An Act relating to reorganization of the 33rd, 198th, and 216th Judicial Districts.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### **HOUSE BILL 2235 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 2235**, Relating to supplemental appropriations and transfers of funds for disasters and emergencies. (Submitted by Governor as an emergency.)

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 2235 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2235** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Mengden, Moore, Ogg, Parker.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Mengden, Moore, Ogg.

#### **MOTION TO PLACE SENATE BILL 303 ON SECOND READING**

Senator Schwartz moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 303**, Defining certain terms as used herein; prescribing employment contracts of a specified duration for certain teachers in this State; and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 19, Nays 11.

Yeas: Braecklein, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Truan, Vale, Williams.

Nays: Andujar, Blake, Creighton, Farabee, Harris, Howard, Jones of Taylor, McKnight, Mengden, Snclson, Traeger.

Absent: Moore.

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**SENATE BILL 1236 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1236**, Relating to nonvoting student members of the boards of trustees of certain independent school districts.

The bill was read second time.

Senator Truan offered the following committee amendment to the bill:

Amend **S.B. 1236** by adding on line 7 after the word (a) and the word "If" the following:

The board of trustees of an independent school district on their own motion may provide for a high school student to serve as a non-voting member of the board in accordance with subsection (c) hereunder or

The committee amendment was read.

Senator Meier offered the following substitute for the committee amendment:

Amend **S.B. 1236** SECTION 1, pertaining to Chapter 23, Texas Education Code, Sec. 23.20 NONVOTING STUDENT MEMBER(a) by striking after the word "trustees" the words "shall order" and inserting in lieu thereof "will submit for voter approval a proposition" thus reading:

SECTION 1. Subchapter A., Chapter 23, Texas Education Code, as amended, is amended by adding Section 23.20 to read as follows:

Sec. 23.20. NONVOTING MEMBER. (a) The board of trustees of an independent school district may on their own motion provide for a high school student to serve as a non-voting member of the board in accordance with subsection (c) hereunder, or if at least five percent of the resident qualified voters of an independent school district sign and present to the board of trustees a petition calling for a high school student to serve as a non-voting member of that board, the board of trustees shall submit for voter approval a proposition that a non-voting student member shall serve on the board beginning July 1st preceding the first day of the school year following entry of the order.

MEIER  
TRUAN

The substitute for the committee amendment was read and was adopted.

The committee amendment as substituted was then adopted.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**SENATE BILL 1236 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1236** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Moore.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 1073 ON SECOND READING**

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1073**, Relating to regulation of certain business establishments on beaches.

The bill was read second time and was passed to engrossment.

**SENATE BILL 1073 ON THIRD READING**

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1073** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Moore.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 522  
ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 522**, Relating to licensing and regulation of the practice of social work; providing penalties.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 522  
ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 522** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Moore.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Patman.

Absent: Moore.

#### COMMITTEE SUBSTITUTE SENATE BILL 884 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 884**, Relating to licensing and regulation of counselors; providing penalties.

The bill was read second time.

Senator Snelson offered the following amendment to the bill:

CSSB 884 is amended as follows:

(1) Section 2 is amended by striking subsection (1) and substituting the following:

(1) "Licensed professional counselor" means any person who holds himself or herself out to the public for compensation by any title or description of services incorporating the words "Licensed Counselor" or "Licensed Counseling," and who offers to render professional counseling services to individuals, families, groups, organizations, corporations, institutions, governmental agencies, or the general public and implies that he or she is licensed and trained, experienced, or expert in counseling, and who holds a current, valid license to practice counseling issued under this Act.

(2) Section 4 is amended by striking subsection (d) and substituting the following:

(d) Two members must be representatives of the general public having no direct or indirect affiliation with the practice of counseling. Four members must be persons representative of the profession of counseling. To assure adequate representation of the diverse applications and settings of counseling, the governor shall make the appointments of the professional members of the board so that at the time of appointment at least one member possesses a current certificate as a school counselor from the Central Education Agency and is engaged in rendering counseling services in an elementary or secondary public school in this state, at least one member is engaged in rendering counseling services in an agency or private setting and is or is qualified to be a marriage and family counselor under this Act, at least one member is engaged in rendering counseling services in an

agency or private setting and is or is qualified to be a rehabilitation or mental health counselor under this Act, and at least one member is engaged in rendering counseling services in a private setting other than a public elementary or secondary school in this state and is or is qualified to be an educational or vocational counselor under this Act.

The amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Section 4, subsection (e), (1) of CSSB 884 is amended by striking the words "Texas Department of Health" and substituting the word "department."

The amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Section 6, subsection (b) of CSSB 884 is amended by striking the words "Texas Board of Health" and substituting the word "Department."

Section 6, subsection (e), (2) of CSSB 884 is amended by striking the words "Texas Board of Health" and substituting the word "department."

Section 6, subsection (e), (6) of CSSB 884 is amended by striking the words "Texas Board of Health" and substituting the word "department."

The amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Section 12, subsection (g) is amended in two places by striking the words "Texas Board of Health" and substituting the word "department."

The amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **RECORD OF VOTE**

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 884 ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 884** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Patman.

Absent: Moore.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

#### **SENATE BILL 660 ON SECOND READING**

On motion of Senator Vale and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 660**, Amending Chapter 105, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6243f, Vernon's Texas Civil Statutes), by adding Sections 1A and 3 and by amending Sections 4, 7(c), 8(a), 8(b), 10, 11, 13, 15(b), 15(c), 16, and 26A(2); relating to membership of the board of trustees of certain firemen and policemen's pension funds; etc., and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 660 ON THIRD READING**

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 660** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Moore.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### **SENATE BILL 1164 ON SECOND READING**

On motion of Senator McKnight and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1164**, Relating to the licensing of bail bond agents.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 1164 ON THIRD READING**

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1164** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Blake, Braecklein, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Williams.

Nays: Brooks, Doggett, Longoria, Patman.

Absent: Vale.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

### HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

**H.B. 409**, To Committee on Economic Development.

**H.B. 1460**, To Committee on Education.

**H.B. 1658**, To Committee on Intergovernmental Relations.

### SENATE BILL 1255 ON SECOND READING

Senator Jones of Taylor asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 1255**, Relating to access to the criminal record or history of a client or an applicant for services by the Texas Rehabilitation Commission.

There was objection.

Senator Jones of Taylor then moved to suspend the regular order of business and take up **S.B. 1255** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Clower, Mauzy.

Absent: Schwartz.

The bill was read second time.

Senator Jones of Taylor offered the following committee amendment to the bill:

Amend Senate Bill 1255 at Page 2, Line 16 by substituting therefor the following language:

(7) to obtain criminal history record information from the Board of Pardons and Paroles, Texas Department of Corrections, and the Texas Department of Public Safety if such records relate to an applicant for rehabilitation services or to a client of the agency. The Board of Pardons and Paroles, Texas Department of Corrections, and the Texas Department of Public Safety shall, upon request, supply the Commission criminal history record information applying to applicants for rehabilitation services or clients of the Commission. The Commission shall treat all criminal history

record information as privileged and confidential and for Commission use only.

The committee amendment was read and was adopted.

On motion of Senator Jones of Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### **SENATE BILL 1255 ON THIRD READING**

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1255** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Clower, Mauzy.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

### **SENATE BILL 614 ON SECOND READING**

On motion of Senator Meier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 614**, Relating to the compensation of county auditors.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend Senate Bill 614 at line 25, page 1 by adding the following sentence after the period:

In counties of 1,500,000 population or more according to the last federal census, the salary of the county auditor shall not be more than the salary of the tax-assessor collector of that county.

The amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 24, Nays 6.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Truan, Vale, Williams.

Nays: Doggett, Jones of Taylor, Patman, Short, Snelson, Traeger.

Absent: Schwartz.

**MOTION TO PLACE  
SENATE BILL 614 ON THIRD READING**

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 614** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate present): Yeas 22, Nays 8.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Truan, Vale, Williams.

Nays: Creighton, Doggett, Jones of Taylor, Patman, Price, Short, Snelson, Traeger.

Absent: Schwartz.

**SENATE BILL 726 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 726**, Relating to a survey of public school libraries.

The bill was read second time and was passed to engrossment.

**SENATE BILL 726 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 726** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Schwartz.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 623  
ON SECOND READING**

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 623**, Relating to regulation of personnel employment services; providing a penalty.

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend C.S.S.B. No. 623, by striking all below the enacting clause and substituting the following:

**SECTION 1. DEFINITIONS.** In this Act:

(1) "Person" means an individual, partnership, association, corporation, legal representative, trustee in bankruptcy, or receiver.

(2) "Fee" means anything of value. The term includes money or other valuable consideration or services or the promise of money or other valuable consideration or services received, directly or indirectly, by a personnel service from a person seeking employment in payment for a service.

(3) "Employer" means a person employing or seeking to employ an employee.

(4) "Applicant" means a person engaging the services of a personnel service for the purpose of securing employment or a person placed by a personnel service with an employer.

(5) "Personnel service" means a person who for a fee or without a fee offers or attempts to procure, directly or indirectly, permanent employment for an employee or procures or attempts to procure a permanent employee for an employer.

(6) "Counselor" means an individual who interviews and refers an applicant to a prospective employer or who solicits job orders from an employer.

(7) "Owner" means a person possessing a proprietary interest in a personnel service.

(8) "Service file" means a job order, resume, application, workpaper, or other record containing any information relating to an applicant, employer, or position, or the operations of a personnel service.

(9) "Job order" means a verbal or written notification from an employer of a job opening.

(10) "Principal location" means the place at which the day-to-day business of the personnel service is operated. An owner may have more than one principal location.

(11) "Management search consultant" means a personnel service that is retained by, acts solely on behalf of, and is compensated only by an employer and that does not collect, directly or indirectly, any fee from an applicant on account of any service performed by the personnel service.

(12) "Commissioner" means the commissioner of labor and standards.

**SECTION 2. EXEMPTION.** (a) This Act does not apply to:

(1) a person regulated by Chapter 234, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-5, Vernon's Texas Civil Statutes);

(2) a personnel service operated by this state, the United States government, or any municipal government of this state;

(3) a personnel service operated by a person in conjunction with the person's own business for the exclusive purpose of employing help for use in the business; or

(4) a labor union.

(b) Section 7 of this Act does not apply to a management search consultant.

SECTION 3. CONDUCT. (a) A person who acts as a personnel service in the capacity of an owner, operator of the service, counselor, or agent or employee of the service may not:

(1) impose a fee for the registration of an applicant for employment or other fee on an applicant except for the furnishing of an employment referral that results in the applicant obtaining employment;

(2) engage or attempt to engage in splitting or sharing, with an employer, an agent or other employee of an employer, or other person to whom the personnel service has furnished services, a payment received by a personnel service from a person seeking employment or from an employer;

(3) make, give, or cause to be made or given to any applicant for employment any false promise, misrepresentation, or misleading statement or information;

(4) refer any applicant for employment except on a valid job order for the referral;

(5) advertise a position without there first being a valid job order verifiable by the employer;

(6) procure or attempt to procure the discharge of a person from his or her current employment;

(7) induce, solicit, or attempt to induce or solicit an employee to terminate his or her employment in order to obtain new employment if the employee's present employment was obtained by the efforts of the inducing or soliciting personnel service or any other personnel service having a common ownership with the inducing or soliciting personnel service unless the employee initiates the new contact;

(8) deliver, disclose, distribute, receive, or otherwise communicate any service file or any information contained in a service file to or from a person except as authorized by the personnel service owning the file;

(9) advertise in any medium, including a newspaper, trade publication, billboard, radio, television, card, printed notice, circular, contract, letterhead, and any other material made for public distribution, except an envelope, without clearly stating that the advertisement is by a firm providing a private personnel service;

(10) refer an applicant to a place where a strike or lockout exists without first furnishing the applicant a written statement of the existence of the strike or lockout, if the personnel service has knowledge of the fact of the strike or lockout;

(11) refer an applicant to employment deleterious to his or her health or morals if the personnel service has knowledge of the deleterious condition of the employment; or

(12) charge a fee of more than 20 percent of the applicant's gross wages if the position that the applicant accepted as a result of a referral by a personnel service lasts less than 30 calendar days and if the applicant leaves the position with good cause.

(b) An employer seeking employees or a person seeking employment may not:

(1) make any false statement or conceal any material fact for the purpose of obtaining employees or employment by or through a personnel service; or

(2) engage or attempt to engage in the splitting or sharing of fees or payments for services of a personnel service with any person to whom this Act is applicable.

SECTION 4. SERVICE FILE AS TRADE SECRET. A service file and its contents are trade secrets as defined by Section 31.05, Penal Code.

**SECTION 5. CRIMINAL PENALTY.** A person who knowingly or intentionally violates or fails to comply with a provision of this Act commits an offense. An offense under this section is a Class A misdemeanor.

**SECTION 6. CIVIL REMEDY.** (a) A person who violates a provision of this Act is liable to a person adversely affected by the violation for the amount of all actual damages produced by the violation. In the event a person adversely affected establishes that a violation was committed knowingly, the person shall be awarded three times the amount of actual damages. In this subsection, "knowingly" means actual awareness of the act or practice that is the alleged violation, but actual awareness may be inferred if objective manifestations indicate that a person acted with actual awareness.

(b) In an action filed under this section, a plaintiff who prevails shall receive court costs and attorney's fees reasonable in relationship to the amount of reasonably necessary work expended.

(c) In an action filed under this section, a plaintiff may seek and the court, in its discretion, may grant:

(1) an order enjoining the defendant in the suit from violating this Act;  
(2) any order necessary to restore to the person any property acquired by the defendant in the suit in violation of this Act; or

(3) other relief that the court considers proper, including the appointment of a receiver if the court's judgment against the defendant in the suit is not satisfied within three months after the date of the final judgment, the revocation of a certificate authorizing the defendant in the suit to engage in business in this state, or an order enjoining the defendant in the suit from acting as a personnel service.

(d) If a court finds that a civil action filed under this section is groundless and brought in bad faith or for the purpose of harassment, the court may award court costs and reasonable attorney's fees to the defendant.

(e) This Act does not affect any public or private remedy or enforcement power available under other laws.

**SECTION 7. CERTIFICATE OF AUTHORITY.** (a) Any person desiring to own a personnel service that is to operate in this state shall file notification of that fact with the commissioner. The notice shall be filed by the owner of the personnel service not later than the 30th day before the commencement of the operation. The notice shall include the principal location of the personnel service, the name and residence address of each owner, the assumed name, if any, under which the personnel service is to operate, and a statement that each owner has read and is familiar with the provisions of this Act. The notice shall be signed and sworn to by the owner before a notary public or other officer authorized to administer oaths.

(b) The notice shall be accepted by the commissioner and, on payment of a filing fee of \$50, the commissioner shall issue to the owner a certificate of authority to do business as a personnel service in this state not later than the 15th day after the day of the filing.

(c) The owner shall file with each notification or renewal a good and sufficient bond executed by the applicant with a good and sufficient surety in the sum of \$5,000 payable to the State of Texas, conditioned that the obligor will not violate any of the provisions of this Act. The bond shall recite that any person injured or aggrieved by any violation of this Act by the principal, or his or her agents or representatives, is entitled to bring suit on the bond. One bond is sufficient if an owner has more than one principal location. The commissioner may not issue the certificate of authority until the bond is filed. An owner may deposit \$5,000 in cash in lieu of the bond.

(d) The certificate of authority shall be valid for a period of one year from the date of its issuance. It shall be displayed in a prominent place in the principal location of the personnel service.

(e) Renewals of the certificate of authority shall be issued by the commissioner on the filing by an owner of a notice containing the same information specified in Subsection (a) of this section and on the receipt by the commissioner of a filing fee of \$50.

(f) Each person who holds, on the effective date of this Act, a license under the terms of Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes), must file the notice required by this section not later than the 60th day after the effective date of this Act if the person is required to do so by this Act. The commissioner shall notify these persons of this Act and shall furnish, not later than the 30th day after the effective date of this Act, the persons with the forms necessary for filing in compliance with this section.

**SECTION 8. DISPOSITION OF FEES.** The commissioner shall deposit all money received by him or her from fees under this Act in the State Treasury to the credit of the General Revenue Fund.

**SECTION 9. REPEALER.** Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes), is repealed.

**SECTION 10. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **RECORD OF VOTE**

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 623 ON THIRD READING**

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 623** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Patman.

Absent: Ogg.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 161  
ON SECOND READING**

Senator Moore moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 161**, Relating to the platting and replatting and recording of real estate subdivisions; amending Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as amended, by amending Section 5 (Section 5 of Article 974a, Vernon's Texas Civil Statutes, as amended); providing for partial inapplicability; providing a severability clause; and declaring an emergency.

On motion of Senator Moore and by unanimous consent, the motion to suspend the regular order was withdrawn.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 981  
ON SECOND READING**

Senator Howard moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 981**, Relating to the interception and use of wire or oral communications; providing a penalty. (Submitted by Governor as an emergency.)

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 19, Nays 12.

Yeas: Andujar, Blake, Braecklein, Brooks, Farabee, Harris, Howard, Jones of Taylor, Longoria, Meier, Mengden, Moore, Ogg, Patman, Price, Santiesteban, Snelson, Traeger, Williams.

Nays: Clower, Creighton, Doggett, Jones of Harris, Kothmann, Mauzy, McKnight, Parker, Schwartz, Short, Truan, Vale.

**SENATE BILL 824 ON SECOND READING**

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 824**, Relating to the bond, oath and insurance required of district clerks, their deputies and employees.

The bill was read second time and was passed to engrossment.

**SENATE BILL 824 ON THIRD READING**

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 824** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE SENATE BILL 610 ON SECOND READING**

Senator Farabee moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 610**, Relating to regulation of certain specialized communications common carriers and telecommunications utilities.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 19, Nays 11.

Yeas: Andujar, Doggett, Farabee, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Ogg, Patman, Price, Santiesteban, Short, Snelson, Traeger, Vale, Williams.

Nays: Blake, Braecklein, Brooks, Clower, Creighton, Mauzy, Mengden, Moore, Parker, Schwartz, Truan.

Absent: Harris.

**MOTION TO PLACE HOUSE BILL 585 ON THIRD READING**

Senator Jones of Harris moved to suspend the regular order of business to take up on its third reading and final passage:

**H.B. 585**, Relating to jurisdiction of the Public Utility Commission over electric utility rates, operations, and services.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 19, Nays 11.

Yeas: Andujar, Brooks, Creighton, Farabee, Howard, Jones of Harris, Jones of Taylor, Kothmann, McKnight, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Snelson, Truan, Vale, Williams.

Nays: Blake, Braecklein, Clower, Doggett, Longoria, Mauzy, Meier, Patman, Price, Short, Traeger.

Absent: Harris.

**MOTION TO PLACE SENATE BILL 949 ON SECOND READING**

Senator Patman moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 949**, Relating to the requirement that motor vehicle title transfers be notarized.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 16, Nays 12.

Yeas: Andujar, Blake, Doggett, Farabee, Howard, Jones of Harris, Kothmann, Mengden, Patman, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Williams.

Nays: Braecklein, Clower, Creighton, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Price, Vale.

Absent: Brooks, Harris, Jones of Taylor.

### RECESS

On motion of Senator Moore the Senate at 12:17 o'clock p.m. took recess until 2:15 o'clock p.m. today.

### AFTER RECESS

The Senate met at 2:15 o'clock p.m. and was called to order by the President.

### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
May 10, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE STATE BOARD OF DENTAL EXAMINERS:

For a six-year term to expire May 10, 1985:

WILLIAM RICHARD KNIGHT, JR., D.D.S. of Dallas, Dallas County, is being reappointed.

NEIL A. MORGAN, D.D.S. of San Antonio, Bexar County, is replacing Dr. Foster Kidd of Dallas, Dallas County, whose term expired.

JOHN D. WILBANKS, D.D.S. of El Paso, El Paso County, is replacing Dr. Jack Walker of Seguin, Guadalupe County, whose term expired.

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE BRAZOS RIVER AUTHORITY:

For a six-year term to expire February 1, 1985:

MR. D. J. "JACK" McCARTY of Glen Rose, Somervell County, is being reappointed.

TO BE A MEMBER OF THE BOARD OF REGENTS OF NORTH TEXAS STATE UNIVERSITY:

For a six-year term to expire May 22, 1985:

MR. HARREL E. CHILES of Fort Worth, Tarrant County, is replacing Edward Vance Smith III of Dallas, Dallas County, whose term expired.

MR. WINFREE L. BROWN of Midland, Midland County, is replacing Kenneth May of Lubbock, Lubbock County, whose term expired.

TO BE A MEMBER OF THE PILOT COMMISSION FOR THE SABINE BAR, PASS AND TRIBUTARIES:

For a two-year term to expire August 22, 1979:

MR. J. LYNN HARDEN of Beaumont, Jefferson County, will be filling the unexpired term of Mr. Julian O. Crooke of Beaumont, Jefferson County, who resigned.

TO BE A MEMBER OF THE SCHOOL TAX ASSESSMENT PRACTICES BOARD:

For a six-year term to expire March 1, 1985:

WILLIAM BENJAMIN MUNSON IV of Denison, Grayson County, is being reappointed.

STEPHEN T. JORDAN of Farmers Branch, Dallas County, is replacing Mrs. Don Workman of Lubbock, Lubbock County, whose term expired.

TO BE A MEMBER OF THE TEXAS STATE BOARD OF EXAMINERS IN SOCIAL PSYCHOTHERAPY:

For a six-year term to expire on January 31, 1985:

HILTON JOHN SHEPHERD, Ph.D. of Fort Worth, Tarrant County, is replacing Douglas Barron Radabaugh of Houston, Harris County, whose term expired. (Engaged in administration of social psychotherapeutic services.)

Respectfully submitted,

/s/W. P. Clements, Jr.  
Governor of Texas

**COMMITTEE SUBSTITUTE SENATE BILL 830  
ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 830**, Relating to the authority of the Department of Human Resources to conduct demonstration projects providing medical assistance to certain medically needy persons; requiring the deposit of certain funds from counties, cities or hospital districts which participate in such projects and providing for their use; providing for the cooperation of the Department of Human Resources and the federal government in defining the eligibility for and scope of services under such projects; providing for a report to the legislature describing such demonstration projects; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 830  
ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 830** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Creighton, Harris, Jones of Taylor, McKnight, Ogg.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

**SENATE BILL 664 ON SECOND READING**

Senator Blake asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 664**, Relating to restrictions on the construction and operation of long-term storage and permanent disposal sites for nuclear waste; providing penalties.

There was objection.

Senator Blake then moved to suspend the regular order of business and take up **S.B. 664** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Howard, Jones of Harris, Longoria, Mauzy, Mcier, Mengden, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Traeger, Truan, Vale.

Nays: Andujar, Jones of Taylor, Kothmann, Moore, Ogg, Short, Williams.

Absent: Harris, McKnight.

The bill was read second time.

Senator Blake offered the following committee amendment to the bill:

Amend **S.B. 664**, Section 1, Subsection (1) "Nuclear Wastes" means radioactive substances, material, and equipment that are not intended for further use and are ~~regulated~~ licensed by the United States Nuclear Regulatory Commission during storage or disposal, or that have derived their origin from the development of military weapons by the government of the United States or any foreign government, but this definition does not include radioactive wastes that are licensed or regulated by the Texas Department of Health.

The committee amendment was read and was adopted.

**RECORD OF VOTE**

Senator Moore asked to be recorded as voting "Nay" on the adoption of the committee amendment.

On motion of Senator Blake and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### **RECORD OF VOTES**

Senators Moore and Williams asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

### **MOTION TO PLACE SENATE BILL 664 ON THIRD READING**

Senator Blake moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 664** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate present): Yeas 23, Nays 6.

Yeas: Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan.

Nays: Andujar, Jones of Taylor, Mengden, Moore, Vale, Williams.

Absent: Harris, McKnight.

### **SENATE JOINT RESOLUTION 59 ON SECOND READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.J.R. 59**, Proposing an amendment to Article V of the Texas Constitution by adding Section 1-c to authorize the Legislature to provide for retirement and compensation paid by the state for judges of statutory county courts and for automatic retirement at a certain age.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **S.J.R. 59** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 6.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Truan, Vale, Williams.

Nays: Creighton, Farabee, Moore, Price, Snelson, Traeger.

Absent: Harris, Jones of Taylor, McKnight.

The resolution was read second time and was passed to engrossment.

**RECORD OF VOTES**

Senators Moore, Creighton and Snelson asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

**MOTION TO PLACE  
SENATE JOINT RESOLUTION 59 ON THIRD READING**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 59** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate present): Yeas 21, Nays 8.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Blake, Creighton, Farabee, Howard, Moore, Patman, Price, Snelson.

Absent: Harris, McKnight.

**SENATE BILL 1230 ON SECOND READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 1230**, Relating to the inclusion of judges of statutory county courts in the state judicial retirement system and credit for prior service as a judge of these courts; amending Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes), by amending Sections 1 and 6A and adding Sections 2D and 5B.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **S.B. 1230** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Creighton, Farabee, Howard, Moore, Price, Snelson.

Absent: Harris, McKnight.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTES**

Senators Moore, Farabee and Snelson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**LEAVES OF ABSENCE**

Senator Harris was granted leave of absence for the remainder of today on account of important business on motion of Senator Creighton.

Senator McKnight was granted leave of absence for the remainder of today on account of important business on motion of Senator Creighton.

**COMMITTEE SUBSTITUTE SENATE BILL 1200  
ON SECOND READING**

Senator Schwartz moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 1200**, Relating to legalization on a local option basis of bingo games for certain charitable purposes; changing criminal penalties.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Doggett, Farabee, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Clower, Howard, Jones of Taylor, Mauzy, Moore, Price, Snelson.

Absent-excused: Harris, McKnight.

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend **C.S.S.B. 1200** by striking all below the enacting clause and substituting the following:

**SECTION 1. SHORT TITLE.** This Act may be cited as the Bingo Enabling Act.

**SECTION 2. DEFINITIONS.** In this Act:

(1) "Governing body" means the commissioners court with regard to a county or justice precinct or the city council or other chief legislative body with regard to a municipality.

(2) "Municipal secretary" means the officer of a municipality who performs the duties of city secretary, regardless of the officer's title.

(3) "Municipality" means an incorporated city or town.

(4) "Nonprofit organization" means an unincorporated association or society or a corporation that is incorporated or holds a certificate of authority under the Texas Non-Profit Corporation Act, as amended (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), that:

(A) does not distribute any of its income to its members, officers, or governing body, other than as reasonable compensation for services; and

(B) for at least one year:

(i) has had a governing body or officers elected by a vote of the members or delegates elected by the members; or

(ii) has been affiliated with a state or national organization organized to perform the same purposes.

(5) "Fraternal organization" means a nonprofit organization affiliated with a statewide and national association of identical purposes that:

(A) is organized to perform and engages primarily in performing charitable, benevolent, patriotic, or educational functions; and

(B) has not authorized any person on behalf of its membership, governing body, or officers to support or oppose a particular candidate for public office by making political speeches, passing out cards or other political literature, writing letters, signing or circulating petitions, making campaign contributions, or soliciting votes.

(6) "Religious society" means a church, synagogue, or other organization or association that is organized primarily for religious purposes.

(7) "Veterans organization" means a nonprofit organization whose members are veterans of the armed services of the United States or their spouses and that is chartered by the United State Congress and organized to advance the interests of veterans of the armed forces of the United States.

(8) "Volunteer fire department" means an association that:

(A) operates firefighting equipment;

(B) is organized primarily to provide and actively provides firefighting services; and

(C) does not pay its members compensation other than nominal compensation.

SECTION 3. CALLING OF ELECTION. (a) The governing body of a county, justice precinct, or municipality shall call and hold an election under this Act in the political subdivision if the governing body is presented with a petition for an election that meets the requirements of this Act.

(b) The governing body of a county, justice precinct, or municipality on its own motion may call and hold an election under this Act in the political subdivision.

(c) The governing body of a political subdivision may not call an election under this Act for a political subdivision sooner than one year after another election on the same ballot proposition was held for the same political subdivision. If a petition for an election is submitted and it is not possible to call an election pursuant to this Act as requested by the petition without violating this subsection, the petition has no legal effect.

SECTION 4. PETITION. (a) A petition for a legalization election must have a statement substantially as follows preceding the space reserved for signatures on each page: "This petition is to require that an election be held in (name of political subdivision) to legalize bingo games authorized under the Bingo Enabling Act." A petition for a prohibitory election must have a statement substantially as follows preceding the space reserved for signatures on each page: "This petition is to require that an election be held in (name of political subdivision) to prohibit bingo games authorized under the Bingo Enabling Act."

(b) A petition is valid only if it is signed by registered, qualified voters of the political subdivision in a number equal to or greater than 25 percent of the number of votes cast for governor by qualified voters of the political subdivision in the most recent general election at which that office was filled. If boundaries of the political subdivision do not coincide exactly with boundaries of election precincts in effect for that election, the officer verifying the petition may use any reasonable method to estimate the number of votes for governor cast by qualified voters of the political subdivision.

(c) Each signer must enter beside his or her signature the date on which he or she signs the petition. A signature may not be counted if the signer fails to do so or if the date of signing is earlier than the 180th day before the date on which the petition is submitted to the governing body.

SECTION 5. VERIFICATION OF PETITION. (a) Not later than the fifth day after the date on which a petition for election is received, the governing body shall submit the petition for verification to the county clerk, if the petition is applicable to a county or justice precinct, or the municipal secretary, if the petition is applicable to a municipality.

(b) The officer to whom the petition is submitted for verification shall determine whether the petition is signed by the required number of registered voters of the political subdivision for which the election is requested. The officer may use accepted methods of statistical analysis in computing the number of valid signatures. Not later than the 30th day after the date on which the governing body submitted the petition to the officer for verification, the officer shall certify in writing to the governing body whether or not the petition is valid. If the officer fails to so certify within the time permitted, the failure is equivalent to a certification of validity under this Act.

SECTION 6. DATE OF ELECTION. (a) If the officer responsible for certifying a petition certifies that a petition is valid or fails to issue a certification within the time permitted, the governing body shall order that an election be held in the appropriate political subdivision on a date not later than the 60th day after the date of the officer's certification or the date on which the last day for certification occurred, if no certification was made during the time permitted.

(b) State law requiring local elections to be held on specified dates is not applicable to elections held under this Act.

SECTION 7. BALLOT PROPOSITION. (a) In an election to legalize bingo games covered by this Act in a political subdivision, the ballot shall be prepared to provide for voting for or against the proposition: "Legalizing bingo games for charitable purposes as authorized by the Bingo Enabling Act in (name of political subdivision)."

(b) In an election to prohibit bingo games covered by this Act in a political subdivision, the ballot shall be prepared to provide for voting for or against the proposition: "Prohibiting bingo games for charitable purposes as authorized by the Bingo Enabling Act in (name of political subdivision)."

SECTION 8. EFFECT OF ELECTION. (a) In a legalization election, if a majority of the qualified voters voting on the question vote in favor of legalization, the holding of bingo games as authorized by this Act is legalized throughout the political subdivision effective the 10th day after the date on which the result of the election is officially declared, except that the legalization does not apply to any part of the political subdivision for which Section 9 of this Act requires a contrary status.

(b) In a prohibitory election, if a majority of the qualified voters voting on the question vote in favor of prohibition, the holding of bingo games as authorized by this Act is prohibited throughout the political subdivision effective the 10th day after the date on which the result of the election is officially declared, except that the prohibition does not apply to any part of the political subdivision for which Section 10 of this Act requires a contrary status.

(c) If a majority of the qualified voters voting on the question in a legalization election do not favor legalization, or if a majority of the qualified voters voting on the question in a prohibitory election do not favor prohibition, the election has no effect on the status under this Act of the political subdivision in which the election is held.

SECTION 9. DETERMINATION OF LOCAL OPTION STATUS. (a) In determining whether or not bingo games authorized by this Act are permitted in an area, the rules prescribed by this section apply.

(b) The games are permitted in an area only as the result of a successful legalization election held under this Act.

(c) To the extent that the results of local option elections held by different types of political subdivisions conflict with regard to the same territory, the relative dates of the elections are of no consequence and the following rules apply:

(1) the status of an area as determined by a municipal election prevails over a contrary status as determined by a justice precinct or county election; and

(2) the status of an area as determined by a justice precinct election prevails over the status of an area as determined by a county election.

(d) To the extent that two or more local option elections held at the justice precinct level apply to the same territory, the most recent election prevails.

(e) If a municipality has established a status under this Act by a municipal election, territory annexed to the municipality after that status is established assumes the status under this Act of the rest of the municipality. A territory detached from such a municipality assumes the status the territory would have had if it had never been a part of the municipality. If the detached territory is added to another municipality that has established a status by a municipal election, the territory assumes the status of the municipality to which it is added.

(f) The addition of territory to or detachment of territory from a justice precinct does not affect the status under this Act of the added or detached territory. The abolition of a justice precinct does not affect the status under this Act of the territory formerly within the justice precinct.

SECTION 10. EFFECT OF LEGALIZATION. (a) In territory in which bingo games are legal under this Act, nonprofit organizations organized primarily to support medical research or medical treatment programs, fraternal organizations, religious societies, veterans organizations, and volunteer fire departments may conduct or promote gambling at bingo games or possess paraphernalia, devices, or equipment for conducting gambling at bingo games.

(b) Before an organization, society, or volunteer fire department described in Subsection (a) of this section may conduct or promote gambling at bingo games, it must designate by a resolution adopted by its membership, governing body, or officers the location at which all bingo games for the purpose of gambling will be conducted by it. All bingo games for the purpose of gambling conducted by the organization, society, or volunteer fire department must be conducted at that location until a different location is designated by a similar resolution.

SECTION 11. USE OF PROCEEDS. (a) All proceeds of a nonprofit organization organized primarily to support medical research or medical treatment programs derived from gambling at a bingo game conducted by the organization must be spent in Texas by the organization to support that research or those programs.

(b) All proceeds of a veterans organization derived from gambling at a bingo game conducted by the veterans organization must be spent in Texas by the organization to advance the interests of veterans of the armed forces of the United States.

(c) All proceeds of a fraternal organization derived from gambling at a bingo game conducted by the fraternal organization must be spent in Texas by the organization in performing its charitable, benevolent, patriotic, or educational functions.

(d) All proceeds of a volunteer fire department derived from gambling at a bingo game conducted by the department must be spent in Texas by the department for firefighting equipment or for providing firefighting services.

(e) Any entity conducting the games authorized herein must file a quarterly report with the Comptroller of Public Accounts showing the amount of proceeds that the entities called from the games and the purposes for which the

proceeds are spent. The comptroller shall charge a \$50.00 (fifty dollar) filing and processing fee for each such report.

SECTION 12. EXCEPTION. This Act does not apply to a bingo game or any conduct related to a bingo game under circumstances that would not constitute an offense under Chapter 47, Penal Code, if this Act were not in effect.

SECTION 13. Section 47.02, Penal Code, is amended to read as follows:

Sec. 47.02. GAMBLING. (a) A person commits an offense if he:

(1) makes a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest;

(2) makes a bet on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or

(3) plays and bets for money or other thing of value at any game played with cards, dice, or balls.

(b) It is a defense to prosecution under this section that:

(1) the actor engaged in gambling in a private place;

(2) no person received any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

(c) It is a defense to prosecution under this section that the actor reasonably believed that the conduct was permitted under the Bingo Enabling Act.

(d) ~~[(e)]~~ An offense under this section is a Class C misdemeanor.

SECTION 14. Chapter 47, Penal Code, is amended by adding Section 47.10 to read as follows:

Sec. 47.10. BINGO. (a) It is a defense to prosecution for an offense under this chapter that the conduct was authorized under the Bingo Enabling Act.

(b) An offense under this chapter classified as a felony of the third degree is a Class A misdemeanor if the conduct would have been authorized under the Bingo Enabling Act if the organization, society, or volunteer fire department conducting the bingo game had complied with Sections 10(b) and 11 of that Act.

SECTION 15. EFFECTIVE DATE. This Act takes effect on the date that the constitutional amendment proposed by Senate Joint Resolution No. 18, 66th Legislature, Regular Session, 1979, becomes a part of the constitution. If that proposed amendment is not approved by the voters, this Act has no effect.

SECTION 16. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### RECORD OF VOTES

Senators Moore, Mauzy and Clower asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1200  
ON THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1200** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Doggett, Farabee, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Clower, Howard, Jones of Taylor, Mauzy, Moore.

Absent-excused: Harris, McKnight.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 7.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Doggett, Farabee, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Clower, Howard, Jones of Taylor, Mauzy, Moore, Price, Snelson.

Absent-excused: Harris, McKnight.

**REQUEST FOR PERMISSION FOR  
COMMITTEE ON PUBLIC HEALTH TO MEET**

Senator Jones of Harris requested permission for the Committee on Public Health to meet while the Senate is in session.

There was objection and the request was denied.

**COMMITTEE SUBSTITUTE SENATE BILL 536  
ON SECOND READING**

Senator Traeger moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 536**, Relating to the establishment of a procedure for changed rates by certain utilities pending final appeal of a rate determination.

The motion prevailed by the following vote: Yeas 21, Nays 7.

Yeas: Andujar, Braecklein, Creighton, Farabee, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Blake, Clower, Doggett, Mauzy, Patman, Price, Schwartz.

Absent: Brooks

Absent-excused: Harris, McKnight.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Amend C.S.S.B. No. 536 by striking all below the enacting clause and substituting the following:

SECTION 1. Section 43, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 43. (a) No utility may make changes in its rates except by filing a statement of intent with the regulatory authority having original jurisdiction at least 35 days prior to the effective date of the proposed change. The statement of intent shall include proposed revisions of tariffs and schedules and a statement specifying in detail each proposed change, the effect the proposed change is expected to have on the revenues of the company, the classes and numbers of utility consumers affected, and such other information as may be required by the regulatory authority's rules and regulations. A copy of the statement of intent shall be mailed or delivered to the appropriate officer of each affected municipality, and notice shall be given by publication in conspicuous form and place of a notice to the public of such proposed change once in each week for four successive weeks in a newspaper having general circulation in each county containing territory affected by the proposed change, and to such other affected persons as may be required by the regulatory authority's rules and regulations.

(b) The regulatory authority, for good cause shown, may, except in the case of major changes, allow changes in rate to take effect prior to the end of such 35 day period under such conditions as it may prescribe, subject to suspension as provided herein. All such changes shall be indicated immediately upon its schedules by such utility. "Major changes" shall mean an increase in rates which would increase the aggregate revenues of the applicant more than the greater of \$100,000 or two and one-half percent, but shall not include changes in rates allowed to go into effect by the regulatory authority or made by the utility pursuant to an order of the regulatory authority after hearings held upon notice to the public.

(c) Whenever there is filed with the Regulatory Authority any schedule modifying or resulting in a change in any rates then in force, the Regulatory Authority shall on complaint by any affected person or may on its own motion, at any time within 30 days from the date when such change would or has become effective, and, if it so orders, without answer or other formal pleading by the utility, but on reasonable notice, including notice to the governing bodies of all affected municipalities and counties, enter on a hearing to determine the propriety of such change. The Regulatory Authority shall hold such a hearing in every case in which the change constitutes a major change in rates, provided that an informal proceeding may satisfy this requirement if no complaint has been received before the expiration of 45 days after notice of the change shall have been filed.

(d) Pending the hearing and decision, the Regulatory Authority, after delivery to the affected utility of a statement in writing of its reasons therefor, may suspend the operation of the schedule for a period not to exceed 120 days beyond the date on which the schedule of rates would otherwise go into effect. If the Regulatory Authority finds that a longer time will be required for a final determination, the Regulatory Authority may further extend the period for an additional 30 days. If the Regulatory Authority does not make a final determination concerning any schedule of rates within a period of 150 days after

the time when the schedule of rates would otherwise go into effect, the schedule shall be deemed to have been approved by the Regulatory Authority. This approval is subject to the authority of the Regulatory Authority thereafter to continue a hearing in progress. The Regulatory Authority may in its discretion fix temporary rates for any period of suspension under this section. During the suspension by the Regulatory Authority as above provided, the rates in force when the suspended schedule was filed shall continue in force unless the Regulatory Authority shall establish a temporary rate. The Regulatory Authority shall give preference to the hearing and decision of questions arising under this section over all other questions pending before it and decide the same as speedily as possible.

(c) If the regulatory authority of a utility other than a gas utility fails to make its final determination of rates within 90 days from the date that the proposed change otherwise would have gone into effect, the utility concerned may put a changed rate, not to exceed the proposed rate, into effect upon the filing with the regulatory authority of a bond payable to the regulatory authority in an amount and with sureties approved by the regulatory authority conditioned upon refund and in a form approved by the regulatory authority. The utility concerned shall refund or credit against future bills all sums collected during the period of suspension in excess of the rate finally ordered plus interest at the current rate as finally determined by the regulatory authority.

(f) If the Regulatory Authority of a gas utility fails to make a final determination of a gas utility's rates within 90 days from the date that a proposed change in rates otherwise would become effective, or if the Regulatory Authority makes a final determination of rates within that period that disallows all or part of the proposed change, the gas utility may put a changed rate, not exceeding the proposed rate, in effect by filing with the Regulatory Authority a corporate undertaking or bond payable to the Regulatory Authority in an amount, with a surety, if any, and in a form that complies with standards established by the railroad commission by rule. The conditions of the corporate undertaking or bond must require the gas utility to credit against future bills or refund all sums collected during the period of suspension above the rate finally ordered plus interest at the rate established by the railroad commission by rule. The interest rate established by the railroad commission may not exceed the maximum legal rate of interest provided by Article XVI, Section 11, of the Texas Constitution.

(g) A gas utility may not put in effect by filing a corporate undertaking or bond a proposed change in rates if there is already in effect a proposed change in rates pursuant to a corporate undertaking or bond submitted to the Regulatory Authority during the preceding year for one or more of the same classes of customers in any of the area to be affected.

(h) With the agreement of the parties and the approval of the railroad commission, a corporate undertaking or bond may be terminated and a plan of refund or crediting bills may be commenced before a determination of the rates becomes a final decision as provided by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), or the period for appeal expires. The Regulatory Authority may not require a gas utility to terminate a corporate undertaking or bond and institute a plan of refund or crediting bills until 30 days elapse after the determination of rates by the Regulatory Authority or until an appeal of that determination becomes final and is no longer subject to further appeal. The railroad commission, exercising its appellate jurisdiction, may not require a gas utility to terminate a corporate undertaking or bond and institute a plan of refund or crediting bills until its decision becomes a final decision under the Administrative Procedure and Texas

Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), or the period for further appeal expires.

(i) ~~(f)~~ If, after hearing, the Regulatory Authority finds the rates to be unreasonable or in any way in violation of any provision of law, the Regulatory Authority shall determine the level of rates to be charged or applied by the utility for the service in question and shall fix the same by order to be served upon the utility; these rates are thereafter to be observed until changed, as provided by this Act.

SECTION 2. Section 85, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 85. (a) During the pendency of an appeal, the district court, the court of civil appeals, or the supreme court, as the case may be, may:

(1) stay or suspend, in whole or in part, the operation of the regulatory authority order, ruling, or decision; or ~~and~~

(2) order the continuance or modification of the amount of a corporate undertaking or bond or of gas utility rates made effective by filing a corporate undertaking or bond as provided by Section 43(f) of this Act.

(b) A court ~~[such courts as]~~ granting or refusing a stay or suspension shall act in accordance with the practice of courts exercising equity jurisdiction.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

Senator Traeger offered the following amendment to the bill:

Amend C.S.S.B. No. 536 by striking all above the enacting clause and substituting the following:

A BILL TO BE ENTITLED  
AN ACT

relating to a procedure for placing changed rates of certain utilities in effect pending a final determination of the propriety of the change in rates.

The amendment was read and was adopted.

(Senator Farabee in Chair)

The bill as amended was passed to engrossment by the following vote: Yeas 22, Nays 7.

Yeas: Andujar, Braecklein, Brooks, Creighton, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Blake, Clower, Doggett, Farabee, Mauzy, Patman, Schwartz.

Absent-excused: Harris, McKnight.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 536  
ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 536** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate present): Yeas 22, Nays 6.

Yeas: Andujar, Braecklein, Creighton, Farabee, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Blake, Clower, Doggett, Mauzy, Patman, Schwartz.

Absent: Brooks.

Absent-excused: Harris, McKnight.

(President in Chair)

**LEAVE OF ABSENCE**

Senator Jones of Taylor was granted leave of absence for the remainder of today on account of important business on motion of Senator Farabee.

**SENATE BILL 883 ON SECOND READING**

Senator Snelson moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 883**, To change the duties and powers of the State Board of Education with regard to the permanent and available school funds to conform to sound, current investment practice; etc., and declaring an emergency.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Farabee, Howard, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Mauzy.

Absent: Creighton.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read second time.

Senator Snelson offered the following committee amendment to the bill:

Amend Senate Bill 883 on page 6 by striking all of Subdivision (5) (through line 22) and substituting the following:

“(5) the bank shall execute an indemnification agreement, satisfactory in form and content to the State Board of Education, fully indemnifying the permanent and available school funds against loss resulting from the bank’s service as custodian of securities of the permanent school fund and its operation of a securities loan program using securities of the permanent school fund;

The committee amendment was read and was adopted.

Senator Snelson offered the following committee amendment to the bill:

Amend Senate Bill 883 on page 6 by striking all of subdivision (5) (through line 22) and substituting the following:

“(5) the bank shall execute an indemnification agreement, satisfactory in form and content to the State Board of Education, fully indemnifying the permanent and available school funds against loss resulting from the bank’s service as custodian of securities of the permanent school fund and its operation of a securities loan program using securities of the permanent school fund;

The committee amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

#### **SENATE BILL 883 ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 883** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Andujar, Blake, Bracklein, Brooks, Clower, Farabee, Howard, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Mauzy.

Absent: Creighton.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 2. (Same as previous roll call)

**SENATE BILL 139 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 139**, Relating to payments for foster care for certain children ineligible for the aid to families with dependent children program.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

Amend **S.B. 139** by striking all of Section 2 and substituting in lieu thereof the following:

"Section 2. County Contracts. The department may contract with a County Commissioners Court to administer the funds authorized by this Act for eligible children in the county, and may require county participation."

The amendment was read.

On motion of Senator Brooks and by unanimous consent, the committee amendment was tabled.

Senator Brooks offered the following amendment to the bill:

Amend S.B. No. 139 by striking all below the enacting clause and substituting the following:

**SECTION 1. FOSTER CARE PAYMENTS.** (a) The Texas Department of Human Resources may pay the cost of protective foster care for children:

(1) for whom the department has initiated a suit and has been named managing conservator by a court order issued under Article 15.02, Family Code; and

(2) who are ineligible for foster care payments under the department's aid to families with dependent children program.

(b) The department may not pay the cost of protective foster care for a child for whom the department has been named managing conservator by a court order issued solely under Article 15.02(1)(J), Family Code.

(c) Payments for protective foster care, including medical care, must be equal to payments made for similar care for a child who is eligible for the department's aid to families with dependent children program.

**SECTION 2. COUNTY CONTRACTS.** (a) The department may contract with a county commissioners court to administer the funds authorized by this Act for eligible children in the county and may require county participation.

(b) The payments provided by this Act do not abrogate the responsibility of a county to provide child welfare services.

**SECTION 3. DIRECT PAYMENTS.** The department may make direct payments for foster care to foster parents residing in a county with which the department does not have a contract authorized by Section 2 of this Act.

**SECTION 4. PARENT OR GUARDIAN LIABILITY.** The parent or guardian of a child is liable to the state or to the county for any payment made by the state or county for foster care of a child under this Act. The funds

collected by the state under this section must be used by the department for child welfare services.

**SECTION 5. MEDICAL SERVICES LIMITATION.** The department may not provide the medical care payments authorized by Section 1(c) of this Act if:

(1) a federal law or regulation prohibits those medical payments unless medical payments are also provided for medically needy children who are not eligible for the department's aid to families with dependent children program and for whom the department is not named managing conservator; or

(2) the federal government does not fund at least 50 percent of the cost of the medical payments authorized by this Act.

**SECTION 6. EFFECTIVE DATE.** This Act takes effect September 1, 1979.

**SECTION 7. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **SENATE BILL 139 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 139** be placed on its third reading and final passage.

The motion prevailed by the following vote: Ycas 26, Nays 0.

Absent: Clower, Moore.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed.

#### **COMMITTEE SUBSTITUTE SENATE BILL 877 ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 877**, Relating to the use of tetrahydrocannabinols and its derivatives for therapeutic and research purposes.

The bill was read second time and was passed to engrossment.

#### **RECORD OF VOTE**

Senator Williams asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 877  
ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 877** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Jones of Harris, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Truan, Vale.

Nays: Howard, Kothmann, Short, Traeger, Williams.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 6.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Jones of Harris, Longoria, Mauzy, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Truan, Vale.

Nays: Howard, Kothmann, Mengden, Short, Traeger, Williams.

Absent-excused: Harris, Jones of Taylor, McKnight.

**SENATE BILL 607 ON SECOND READING**

Senator Vale moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 607**, Relating to establishing a criminal offense for the sale, transfer, and display of certain glues or aerosol paints to certain minors.

The motion prevailed by the following vote: Yeas 21, Nays 6.

Yeas: Brooks, Clower, Doggett, Farabee, Jones of Harris, Kothmann, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Andujar, Blake, Braecklein, Creighton, Howard, Price.

Absent: Longoria.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Amend S.B. No. 607 by striking Subsection (a) of Section 1 and substituting the following:

(a) A person commits an offense if he knowingly or intentionally sells or transfers possession of abusable glue or aerosol paint to a person younger than 17 years of age if the person has probable cause to believe that the purchaser will use the glue or aerosol paint for the purpose of causing a condition of or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, stupefaction, or dulling of the senses or for the purpose of changing, distorting, or disturbing the audio, visual, or mental processes.

The amendment was read and failed of adoption by the following vote: Yeas 11, Nays 16.

Yeas: Andujar, Blake, Braecklein, Creighton, Farabee, Howard, Jones of Harris, Price, Snelson, Traeger.

Nays: Brooks, Clower, Doggett, Kothmann, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Truan, Vale, Williams.

Absent: Longoria.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was then passed to engrossment by the following vote: Yeas 19, Nays 8.

Yeas: Brooks, Clower, Doggett, Farabee, Jones of Harris, Kothmann, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan, Vale, Williams.

Nays: Andujar, Blake, Braecklein, Creighton, Howard, Price, Short, Snelson.

Absent: Longoria.

Absent-excused: Harris, Jones of Taylor, McKnight.

#### MESSAGE FROM THE HOUSE

House Chamber  
May 10, 1979

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 511 by a vote of 123 Ayes, 1 Noes, 2 Present-Not Voting.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 500 by a non record vote.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 555.

House Conferees: Craddick - Chairman; Looney, Massey, Patterson, Geistweidt.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE SENATE BILL 1241  
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1241**, Relating to a term of imprisonment for failure to pay a fine and costs for an offense for which no imprisonment is authorized.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1241  
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1241** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Mauzy, Mengden.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 199  
ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 199**, Relating to exemptions from purchases of fishing licenses.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 199  
ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 199** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Mauzy, Mengden.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 921  
ON SECOND READING**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 921**, Relating to consolidation of certain state responsibilities for the development of energy, environmental, and natural resources policy and for the performance of energy-related programs.

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend **C.S.S.B. 921** by striking all below the enacting clause and substituting the following:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. CREATION OF THE TEXAS ENERGY AND NATURAL RESOURCES ADVISORY COUNCIL. (a) The Texas Energy and Natural Resources Advisory Council is established.

(b) The council is composed of 21 members. The members are the following officials: the governor, the lieutenant governor, the speaker of the house of representatives, the attorney general, the three members of the Railroad Commission of Texas, a member of the Public Utility Commission of Texas designated by the Public Utility Commission, the chairman of the Texas Air Control Board, the chairman of the Texas Water Development Board, the chairman of the Parks and Wildlife Commission, the commissioner of the General Land Office, the commissioner of agriculture, the comptroller of public accounts, the Director of the Bureau of Economic Geology of the University of Texas at Austin, a senator appointed by the lieutenant governor, a member of the house of representatives appointed by the speaker of the house, and four citizens appointed by the governor. Appointees serve at the pleasure of the appointing officer.

(c) The governor and lieutenant governor are co-chairmen of the council. The speaker of the house of representatives is vice-chairman.

(d) Eleven members of the council constitute a quorum.

(e) The council shall meet at least once every three months or at the call of either co-chairman. At any time a majority of the council may petition the co-chairmen for a meeting of the council at a time certain.

(f) A member of the council is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the council. The lieutenant governor, speaker of the house, senate member on the council, and member of the house of representatives on the council shall be reimbursed from the appropriate fund of the member's respective house of the legislature.

Other members shall be reimbursed from the funds of the officer or agency in which the member serves. The citizen members are to be reimbursed from the council's funds appropriated for that purpose.

**SECTION 2. DIRECTORS AND STAFF.** (a) There shall be appointed by the co-chairmen an executive director. The executive director, with the approval of the co-chairmen, may hire directors to assist him in carrying out the duties and functions of the council. The executive director and directors shall serve at the pleasure of the co-chairmen.

(b) The executive director shall employ staff necessary to administer the functions of the council and may contract, with individuals, consultants, partnerships, corporations, universities, state agencies and other governmental bodies to provide services necessary to perform the duties of the council.

(c) The executive director shall perform functions relating to the conservation of energy resources or the allocation of fuel products that the governor is responsible for performing as designated by law and that the governor may delegate to the executive director.

(d) The executive director and the directors may represent the council at state, regional, national or international energy or natural resource meetings at the co-chairmen's request.

(e) All staff responsible for technical assessments or for the development of computer or econometric systems, excluding administrative personnel, must be qualified by academic training and actual work experience in the area of their respective responsibilities.

(f) The executive director and the directors are entitled to compensation as provided by the general appropriation bill.

(g) Compensation for staff members shall be determined according to the classification act for other state employees.

**SECTION 3. DIVISIONS.** The executive director with the approval of the co-chairmen may establish divisions to carry out the functions of the council. The executive director with the approval of the co-chairmen may add, remove or transfer duties among divisions.

**SECTION 4. ENERGY ANALYSIS AND DEVELOPMENT DIVISION.**

(a) The Energy Analysis and Development Division is established as a division of the council.

(b) The director may contract, with the approval of the executive director, with individuals, consultants, partnerships, corporations, universities, state agencies and other governmental bodies to provide services necessary to perform the duties of the division.

(c) The energy analysis and development division shall:

(1) develop and maintain an energy data base system and econometric modeling of the state and nation;

(2) prepare an annual Texas energy outlook report and an assessment of the United States Department of Energy, Energy Information Administration's Annual Report to Congress;

(3) provide energy information and policy analysis for the council and others as the co-chairmen may direct;

(4) recommend energy policy positions to the council;

(5) recommend legislation to the council to foster the development of increased energy supplies, and more efficient energy systems, not inconsistent with other laws of the state;

(6) administer the Texas Energy Development Fund as directed by the council;

(7) maintain an awareness of all energy-related research of importance to this state conducted inside and outside this state in order to promote information

exchange and coordination and in order to coordinate and support necessary energy technology research, development and demonstration;

(8) coordinate and support energy-related technology research, development and demonstration; and,

(9) perform other duties as assigned by the executive director.

SECTION 5. FUNCTIONS OF THE COUNCIL. The council shall:

(1) adopt and continually reassess an energy policy for the state;

(2) adopt and continually reassess a natural resources policy for the state;

(3) recommend legislation to the United States Congress and the Texas Legislature implementing energy policy and natural resources policy of the state;

(4) review existing and proposed actions and policies of federal agencies to determine the energy and natural resources impact on this state and to recommend to the legislature and the governor alternative actions and policies consistent with state energy and natural resources policy;

(5) adopt a plan and award contracts for the development of alternative energy technologies under the Energy Development Fund;

(6) represent the governor at state, regional, national or international energy or natural resources meetings at the governor's request;

(7) provide staff and technical assistance to the advisory committees;

(8) adopt a budget and an annual operating plan;

(9) develop projects and programs to insure proper protection and development of the state's natural resources including the participation of all necessary entities;

(10) study problems and issues connected with state agency permitting processes; and

(11) perform such other tasks as may be assigned by the governor and/or accepted by the council.

SECTION 6. ADVISORY COMMITTEES. (a) The co-chairmen may appoint advisory committees composed of public officials or private citizens to advise the Texas Energy and Natural Resources Advisory Council.

(b) A member of an advisory committee is not entitled to compensation for services performed as a member of the committee. A member is entitled to reimbursement for actual and necessary expenses incurred in attending meetings of the advisory committee.

(c) The council shall prescribe the operating procedures for advisory committees.

SECTION 7. GIFTS AND GRANTS. (a) The executive director may accept, on behalf of the state, a gift, grant, or donation from any source to be used to administer the council's functions.

(b) A gift, grant, or donation received by the executive director shall be deposited in the State Treasury to the credit of a special fund to be known as the Texas Energy and Natural Resources Advisory Council Fund and may be used only to administer the council's functions.

SECTION 8. REPORT. Before December 1 of each year, the executive director shall file a report with the governor and the legislature about the activities of the council during the preceding year.

SECTION 9. RULES. The council may adopt rules necessary to accomplish the purposes of this Act.

SECTION 10. APPLICATION OF SUNSET ACT. The council is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the council is abolished and this Act expires effective September 1, 1991.

SECTION 11. AMENDMENT. Section 3(2), The Texas Energy Development Act of 1977 (Article 4413(47b), Vernon's Texas Civil Statutes), is amended to read as follows:

(2) "Council" [~~"Board"~~] means the Texas Energy and Natural Resources Advisory Council [~~Energy Development Fund Board~~].

SECTION 12. AMENDMENT. Sections 4, 5, 6 and 7, the Texas Energy Development Act of 1977 (Article 4413(47b), Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 4. CREATION OF THE ENERGY DEVELOPMENT FUND. The Energy Development Fund is created in the State Treasury and is composed of funds provided by legislative appropriations, not to exceed \$5 million, plus such additional funds as are received from other sources in accordance with Section 7 of this Act. The fund is created to support research, ~~[in and]~~ development, and demonstration of alternate energy supplies and energy conservation technologies of particular importance to Texas. ~~[of solar, geothermal, lignite, biomass, wind, conservation, and other alternate abundant energy resource technologies. Expenses incurred in the administration of this Act shall be payable out of the fund at a level not to exceed 10 percent of the total appropriated.]~~

Sec. 5. TEXAS ENERGY AND NATURAL RESOURCES ADVISORY COUNCIL. ~~[CREATION OF THE ENERGY DEVELOPMENT FUND BOARD.]~~ The Texas Energy and Natural Resources Advisory Council shall be responsible for the proper administration of the Energy Development Fund and shall have the director for energy analysis and development submit to the governor and legislature before March 1 of each odd-numbered year a comprehensive report on the operation of the fund. ~~[There is created an Energy Development Fund Board which shall consist of the members of the Texas Energy Advisory Council.]~~

Sec. 6. ADMINISTRATION OF THE FUND. (a) The council ~~[board]~~ shall provide for the administration of ~~[administer]~~ the fund.

(b) The council ~~[board]~~ shall promulgate a plan for the development of alternative energy technologies. Such a plan shall prescribe detailed regulations for: submission and solicitation of proposals, evaluation and selection of proposals by an impartial group of technical expert, the disbursement of contracted funds, project cost accounting, and project reporting requirements. Such a plan shall be published within 60 days of the effective date of this Act. Within 90 days thereafter, the council ~~[board]~~ shall adopt the plan following public hearing and appropriate review.

(c) The council ~~[board]~~ may contract with universities, nonprofit institutions, and other persons that meet the criteria for funding adopted by the council ~~[board]~~.

Sec. 7. ADDITIONAL SOURCES OF FUNDING. The council ~~[board]~~ may receive funds from private or public sources for the purposes of this Act.

SECTION 13. ABOLITION OF AGENCIES. The Texas Energy Advisory Council, created by Chapter 795, Acts of the 65th Legislature, Regular Session, 1977 (Article 4413(47a), Vernon's Texas Civil Statutes), and the Natural Resources Council are abolished. The records and other property in the custody of the agencies are transferred to the Texas Energy and Natural Resources Advisory Council.

SECTION 14. REPEALER. The following laws are repealed:

(1) Chapter 795, Acts of the 65th Legislature, Regular Session, 1977 (Article 4413(47a), Vernon's Texas Civil Statutes);

(2) the Natural Resources Council Act of 1977 (Article 4413(48), Vernon's Texas Civil Statutes); and

(3) Section 8, The Texas Energy Development Act of 1977 (Article 4413(47b), Vernon's Texas Civil Statutes).

SECTION 15. EFFECTIVE DATE. This Act takes effect September 1, 1979.

**SECTION 16. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 921  
ON THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 921** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**SENATE BILL 1290 ON SECOND READING**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1290**, Relating to allocation of the state higher education assistance fund.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTES**

Senators Mauzy and Howard asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 1290 ON THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1290** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabcc, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Howard, Mauzy.

Absent: Parker.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 182  
ON SECOND READING**

Senator Ogg moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 182**, Relating to the amount and use of fees for the issuance of marriage licenses and declarations of informal marriage.

The motion prevailed by the following vote: Yeas 21, Nays 3.

Yeas: Andujar, Blake, Brooks, Creighton, Doggett, Farabee, Howard, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Truan, Vale, Williams.

Nays: Braecklein, Short, Snelson.

Absent: Clower, Jones of Harris, Moore, Traeger.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read second time.

Senator Ogg offered the following amendment to the bill:

Amend C.S.S.B. No. 182 by adding a new Section 4 to read as follows and by renumbering current Section 4 as Section 5:

**SECTION 4.** This Act takes effect September 1, 1979.

The amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 182  
ON THIRD READING**

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 182** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 2.

Yeas: Andujar, Blake, Brooks, Creighton, Doggett, Farabee, Howard, Kothmann, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Traeger, Truan, Vale, Williams.

Nays: Braecklein, Short.

Absent: Clower, Jones of Harris.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 181  
ON SECOND READING**

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 181**, Relating to the establishment and operation of pilot multipurpose service centers for displaced homemakers.

The bill was read second time.

Senator Ogg offered the following amendment to the bill:

Amend C.S.S.B. No. 181 by striking Section 5 and substituting the following:

**SECTION 5.** Section 7, Chapter 135, Acts of the 65th Legislature, Regular Session, 1977 (Article 695m, Vernon's Texas Civil Statutes), is amended to read as follows:

**Sec. 7. FUNDING SOURCES.** In addition to legislative appropriations from the displaced homemaker fund established by Article 3930a-2, Revised Civil Statutes of Texas, 1925, as amended, and from other funds ~~[appropriation]~~, the department shall explore all possible legal sources of funding for the pilot multipurpose service centers. The department may accept gifts, grants, and in-kind contributions from federal, local, and private sources and may use federal funds under Title 20, Social Security Act, 42 U.S.C. Section 1397 et seq. (1975), if they become available. The department shall seek contributions of building space, equipment, and services.

**SECTION 6.** (a) This section takes effect only if Senate Bill No. 182, 66th Legislature, Regular Session, 1979, is enacted.

(b) Article 3930, Revised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 182, 66th Legislature, Regular Session, 1979, is amended to read as follows:

**Art. 3930. COUNTY CLERK AND COUNTY RECORDERS.** County clerks and county recorders are hereby authorized and required to collect the following fees for services rendered by them to all persons, firms, corporations, legal entities, governmental agencies and/or governmental representatives:

**Fees for County Clerk and County Recorder Records and Miscellaneous Services**

(1) For filing, or filing and registering, including indexing, each instrument, document, legal paper or record (excepting notaries public records, marriage records, vital statistics records, and those instruments, documents, legal papers and records filed in the county civil courts records, or in the county criminal courts records, or in the probate courts records, and those instruments, documents, legal papers and records filed and recorded in the real property records in the office of the county clerk, and those instruments the filing fee for

which is fixed in the Business & Commerce Code), authorized, permitted, or required, to be filed, or filed and registered, in the personal property, chattels and personal records in the office of the county clerk and county recorder, a fee or fees, as follows:

(a) For each such instrument, document, legal paper, or record, a fee, which shall be in addition to any and all specific fee or fees provided for in any and all other statute or statutes, of .....\$2.00

(2) For filing and recording, including indexing not more than five (5) names, each instrument, document, legal paper, or record (excepting map records, condominium records, notaries public records, marriage records, vital statistics records, and those instruments, documents, legal papers and records filed in the county civil courts records, or in the county criminal courts records, or in the probate courts records, or in the personal property, chattels and personal records in the office of the County Clerk) authorized, permitted, or required, to be filed and recorded in the real property records in the office of the county clerk and county recorder, a fee, or fees, as follows, which fee, or fees, shall be in addition to any specific fee, or fees, provided for in any other statute, or statutes:

(a) For the first page, a fee of .....\$3.00

(b) Plus, for each additional page, or part of a page, on which there are visible marks of any kind, a fee of .....\$2.00

(c) Plus a fee for each 8 1/2" X 14", or part thereof, of attachment or rider, to be charged for each such attachment or rider, of .....\$2.00

(d) Plus, for each additional name that has to be indexed in excess of a total of five (5) names indexed for all records in which an instrument, document, paper or record must be indexed, a fee of .....\$0.25

(e) Provided, however, that a county clerk and county recorder who files, registers, or records by copying the instrument manually, and not by a photocopy, photostatic or microphotographic process, in his discretion may substitute, in lieu of the per page fee prescribed by this Act, for each page of such a legal instrument, document or paper having more than 500 words on it, a fee per one hundred words of .....\$0.20

(3) For issuing each certified copy (except certified copy of map records and condominium records), notice, statement, license where the fee for issuing the license is not specifically provided by statute, or any other instrument, document, or paper authorized, permitted, or required, to be issued by said county clerk or county recorder, except as otherwise provided in Section 1, of this Act:

For each page, or part of a page, a fee, to be paid in cash at the time each order is placed, of .....\$1.00  
plus \$1.00 for the county clerk's certificate.

However, nothing in this Act shall be construed to limit or deny to any person, firm, or corporation, full and free access to any papers, documents, proceedings and records referred to in this Act, the right of such parties to read and examine the same, and to copy information from any microfilm or other photographic image, or other copy thereof under reasonable rules and regulations of the county clerk at all reasonable times during the hours the county clerk's office is open to the public, and without making payment of any charge, being hereby established and confirmed.

(4) For issuing each certified copy of birth certificate or death certificate a fee of .....\$2.00

(5) For approving bond, except notarial bonds and bonds required to be approved in County Civil Courts, County Criminal Courts and Probate Courts, a fee, to be paid at the time of said approval, of .....\$3.00

(6) For all clerical work in having appointment of notary public made, administering oaths and qualifying the notary public, and approving, filing and recording notarial bond, a fee (does not include the fee for the Secretary of State), to be paid at the time the executed oath and bond is filed, of .....\$4.00

(7) For issuing each marriage license, including all and every service relating thereto and including, but not limited to, preparing the application, filing health certificates, administering oaths, filing waivers and orders of county judge, issuing license and recording all papers including the return of the license, a total fee, to be paid at the time the license is issued, of .....\$11.50 [~~\$7.50~~]

(8) For registering a brand, including indexing, search, and issuing the certificate, a fee of .....\$5.00

(9) For administering each oath, with or without a seal of clerk, except oaths required to be administered in duties as Clerk of County Civil Courts, County Criminal Courts and Probate Courts, a fee of .....\$1.00

(10) For such other duties prescribed, authorized, and/or permitted by the Legislature for which no fee is set by this Act, reasonable fees shall be charged.

(c) Section (2), Article 3930a-1, Revised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 182, 66th Legislature, Regular Session, 1979, is amended to read as follows:

(2) A total fee of \$11.50 [~~\$7.50~~] shall be collected for services rendered in connection with the execution of each declaration of informal marriage under Section 1.92 of the Family Code.

(d) Article 3930a-2, Revised Civil Statutes of Texas, 1925, as enacted by Senate Bill No. 182, 66th Legislature, Regular Session, 1979, is amended to read as follows:

Art. 3930a-2. DISPOSITION AND USE OF PORTION OF MARRIAGE LICENSE AND DECLARATION FEES. (a) The county clerk or county recorder shall at the end of each month send to the comptroller of public accounts \$3.50 of each fee collected during the month from the issuance of marriage licenses under Article 3930 of this title and from the issuance of declarations of informal marriage under Article 3930a-1 of this title.

(b) The comptroller shall deposit \$2.00 of each fee received under this article to the credit of the domestic violence fund, which is created in the State Treasury, and \$1.50 of each fee received to the credit of the displaced homemaker fund, which is created in the State Treasury.

(c) The legislature may appropriate money from the domestic violence fund for the sole purpose of providing services and shelter to victims of domestic violence and their families and may appropriate money from the displaced homemaker fund for the sole purpose of financing multipurpose service centers established as provided by Chapter 135, Acts of the 65th Legislature, Regular Session, 1977, as amended (Article 695m, Vernon's Texas Civil Statutes).

(d) In this article, a "victim of domestic violence" includes a person harmed or threatened with harm by a member of that person's family or by a person living in the same household with the person.

SECTION 7. (a) This section takes effect only if Senate Bill No. 182, 66th Legislature, Regular Session, 1979, is not enacted.

(b) Article 3930, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

Art. 3930. COUNTY CLERK AND COUNTY RECORDERS. County clerks and county recorders are hereby authorized and required to collect the following fees for services rendered by them to all persons, firms, corporations, legal entities, governmental agencies and/or governmental representatives:

Fees for County Clerk and County Recorder Records and Miscellaneous Services

(1) For filing, or filing and registering, including indexing, each instrument, document, legal paper or record (excepting notaries public records, marriage records, vital statistics records, and those instruments, documents, legal papers and records filed in the county civil courts records, or in the county criminal courts records, or in the probate courts records, and those instruments, documents, legal papers and records filed and recorded in the real property records in the office of the county clerk, and those instruments the filing fee for which is fixed in the Business & Commerce Code), authorized, permitted, or required, to be filed, or filed and registered, in the personal property, chattels and personal records in the office of the county clerk and county recorder, a fee or fees, as follows:

(a) For each such instrument, document, legal paper, or record, a fee, which shall be in addition to any and all specific fee or fees provided for in any and all other statute or statutes, of .....\$2.00

(2) For filing and recording, including indexing not more than five (5) names, each instrument, document, legal paper, or record (excepting map records, condominium records, notaries public records, marriage records, vital statistics records, and those instruments, documents, legal papers and records filed in the county civil courts records, or in the county criminal courts records, or in the probate courts records, or in the personal property, chattels and personal records in the office of the County Clerk) authorized, permitted, or required, to be filed and recorded in the real property records in the office of the county clerk and county recorder, a fee, or fees, as follows, which fee, or fees, shall be in addition to any specific fee, or fees, provided for in any other statute, or statutes:

(a) For the first page, a fee of .....\$3.00

(b) Plus, for each additional page, or part of a page, on which there are visible marks of any kind, a fee of .....\$2.00

(c) Plus a fee for each 8 1/2" X 14", or part thereof, of attachment or rider, to be charged for each such attachment or rider, of .....\$2.00

(d) Plus, for each additional name that has to be indexed in excess of a total of five (5) names indexed for all records in which an instrument, document, paper or record must be indexed, a fee of .....\$0.25

(e) Provided, however, that a county clerk and county recorder who files, registers, or records by copying the instrument manually, and not by a photocopy, photostatic or microphotographic process, in his discretion may substitute, in lieu of the per page fee prescribed by this Act, for each page of such a legal instrument, document or paper having more than 500 words on it, a fee per one hundred words of .....\$0.20

(3) For issuing each certified copy (except certified copy of map records and condominium records), notice, statement, license where the fee for issuing the license is not specifically provided by statute, or any other instrument, document, or paper authorized, permitted, or required, to be issued by said county clerk or county recorder, except as otherwise provided in Section 1, of this Act:

For each page, or part of a page, a fee, to be paid in cash at the time each order is placed, of .....\$1.00  
plus \$1.00 for the county clerk's certificate.

However, nothing in this Act shall be construed to limit or deny to any person, firm, or corporation, full and free access to any papers, documents, proceedings and records referred to in this Act, the right of such parties to read and examine the same, and to copy information from any microfilm or other photographic image, or other copy thereof under reasonable rules and regulations of the county clerk at all reasonable times during the hours the county clerk's

office is open to the public, and without making payment of any charge, being hereby established and confirmed.

(4) For issuing each certified copy of birth certificate or death certificate a fee of .....\$2.00

(5) For approving bond, except notarial bonds and bonds required to be approved in County Civil Courts, County Criminal Courts and Probate Courts, a fee, to be paid at the time of said approval, of .....\$300

(6) For all clerical work in having appointment of notary public made, administering oaths and qualifying the notary public, and approving, filing and recording notarial bond, a fee (does not include the fee for the Secretary of State), to be paid at the time the executed oath and bond is filed, of .....\$4.00

(7) For issuing each marriage license, including all and every service relating thereto and including, but not limited to, preparing the application, filing health certificates, administering oaths, filing waivers and orders of county judge, issuing license and recording all papers including the return of the license, a total fee, to be paid at the time the license is issued, of .....\$9.50 [~~\$7.50~~]

(8) For registering a brand, including indexing, search, and issuing the certificate, a fee of .....\$5.00

(9) For administering each oath, with or without a seal of clerk, except oaths required to be administered in duties as Clerk of County Civil Courts, County Criminal Courts and Probate Courts, a fee of .....\$1.00

(10) For such other duties prescribed, authorized, and/or permitted by the Legislature for which no fee is set by this Act, reasonable fees shall be charged.

(c) Section (2), Article 3930a-1, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

(2) A total fee of \$9.50 [~~\$7.50~~] shall be collected for services rendered in connection with the execution of each declaration of informal marriage under Section 1.92 of the Family Code.

(d) Title 61, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 3930a-2 to read as follows:

Art. 3930a-2. DISPOSITION AND USE OF MARRIAGE LICENSE AND DECLARATION FEES. (a) The county clerk or county recorder shall at the end of each month send to the comptroller of public accounts \$1.50 of each fee collected during the month from the issuance of marriage licenses under Article 3930 of this title and from the issuance of declarations of informal marriage under Article 3930a-1 of this title.

(b) The comptroller shall deposit the money received under this article to the credit of the displaced homemaker fund, which is created in the State Treasury.

(c) The legislature may appropriate money from the displaced homemaker fund for the sole purpose of financing multipurpose service centers established as provided by Chapter 135, Acts of the 65th Legislature, Regular Session, 1977, as amended (Article 695m, Vernon's Texas Civil Statutes).

SECTION 8. This Act takes effect September 1, 1979.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 181  
ON THIRD READING**

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 181** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 2.

Yeas: Andujar, Blake, Bracklein, Brooks, Clower, Doggett, Farabee, Howard, Kothmann, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Truan, Vale, Williams.

Nays: Short, Traeger.

Absent: Creighton, Jones of Harris.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed.

**SENATE BILL 1150 ON SECOND READING**

On motion of Senator Meier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1150**, Relating to Food Stamps.

The bill was read second time.

Senator Meier offered the following committee amendment to the bill:

Amend S.B. No. 1150 by adding the following language for Section 1(e) of the bill:

(e) The Department of Human Resources may contract with county commissioners courts to provide funds to pay for professional and support services necessary for the enforcement of any criminal offense that involves illegally obtaining, possessing, or misusing food stamps.

The committee amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**SENATE BILL 1150 ON THIRD READING**

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1150** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

#### **HOUSE BILL 1012 ON SECOND READING**

On motion of Senator Meier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1012**, Relating to the confidentiality of certain information derived from the administration of cigarette tax, franchise tax, sales tax, and tobacco tax; amending Articles 7.25, and 12.10 and Subdivision (1), Section (G) of Article 20.11, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, and adding Article 8.32.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend the second paragraph of Article 12.10(a) of HB 1012 (page 2, lines 22-29 of Committee Printing) to read as follows:

“However, a bona fide stockholder owning one or more shares of outstanding stock of any corporation may examine and receive copies of the reports made under Articles 12.08 and 12.09 of this Chapter upon presentation of evidence of such ownership to the Comptroller. Any interested person may also be furnished the names, titles and mailing addresses of the officers, directors, and agents for service of process, and the location of the principal office and place of business, and ownership required to be filed by Article 12.12 of this Chapter, of any corporation filing a franchise tax report.

The amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### **HOUSE BILL 1012 ON THIRD READING**

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1012** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed.

**HOUSE BILL 805 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 805**, Relating to outdoor advertising of beer.

The bill was read second time and was passed to third reading.

**HOUSE BILL 805 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 805** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Harris, Jones of Taylor, McKnight.

The bill was read third time and was passed.

**RECORD OF VOTES**

Senators Williams and Snelson asked to be recorded as voting "Nay" on the final passage of the bill.

**MEMORIAL RESOLUTION**

**S.R. 551** - By Schwartz: Memorial resolution for Mrs. Gildo (Madeline K.) Micheletti.

**WELCOME RESOLUTION**

**S.R. 552** - By Longoria: Extending welcome to Mian A. Ghani of Karachi, Pakistan.

**ADJOURNMENT**

On motion of Senator Moore the Senate at 5:03 o'clock p.m. adjourned until 9:30 o'clock a.m. tomorrow.

**APPENDIX**

Signed by Governor

(May 9, 1979)

**S.C.R. 67**

**H.C.R. 119**

**H.C.R. 121**

**H.C.R. 163**

**H.C.R. 181**

<b>S.B. 11</b>	Effective September 1, 1979
<b>S.B. 12</b>	Effective immediately
<b>S.B. 13</b>	Effective August 27, 1979

<b>S.B. 42</b>	Effective immediately
<b>S.B. 64</b>	Effective August 27, 1979
<b>S.B. 111</b>	Effective August 27, 1979
<b>S.B. 204</b>	Effective January 1, 1980
<b>S.B. 274</b>	Effective immediately
<b>S.B. 341</b>	Effective September 1, 1979
<b>S.B. 420</b>	Effective August 27, 1979
<b>S.B. 430</b>	Effective August 27, 1979
<b>S.B. 433</b>	Effective immediately
<b>S.B. 449</b>	Effective August 27, 1979
<b>S.B. 489</b>	Effective August 27, 1979
<b>S.B. 542</b>	Effective August 27, 1979
<b>S.B. 592</b>	Effective immediately
<b>S.B. 612</b>	Effective immediately
<b>S.B. 616</b>	Effective immediately
<b>S.B. 653</b>	Effective August 27, 1979
<b>S.B. 682</b>	Effective immediately
<b>S.B. 683</b>	Effective immediately
<b>S.B. 686</b>	Effective August 27, 1979
<b>S.B. 704</b>	Effective immediately
<b>S.B. 1189</b>	Effective August 27, 1979
<b>S.B. 1190</b>	Effective August 27, 1979
<b>S.B. 1191</b>	Effective August 27, 1979
<b>S.B. 1192</b>	Effective August 27, 1979
<b>H.B. 211</b>	Effective immediately
<b>H.B. 348</b>	Effective immediately
<b>H.B. 396</b>	Effective August 27, 1979
<b>H.B. 426</b>	Effective August 27, 1979
<b>H.B. 563</b>	Effective immediately
<b>H.B. 583</b>	Effective immediately
<b>H.B. 710</b>	Effective immediately
<b>H.B. 901</b>	Effective August 27, 1979
<b>H.B. 958</b>	Effective August 27, 1979
<b>H.B. 997</b>	Effective August 27, 1979
<b>H.B. 1006</b>	Effective August 27, 1979
<b>H.B. 1094</b>	Effective August 27, 1979
<b>H.B. 1319</b>	Effective August 27, 1979
<b>H.B. 1424</b>	Effective immediately
<b>H.B. 1572</b>	Effective August 27, 1979